REMARKS

In the Office Action, the Examiner noted that claims 1-2, 4-28, and 30-42 are pending in the application, and that claims 1-2, 4-28, and 30-42 are rejected. By this response, claims 1, 4, 12, 18, 21, 27-28, 37, and 40 are amended. In view of the above amendments and the following discussion, the Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicant believes that all of these claims are now in condition for allowance.

I. OBJECTIONS

A. Claim 4

The Examiner objected to claim 4 as depending from cancelled claim 3. The Applicant has amended claim 4 to depend from claim 1. As such, the Applicant respectfully requests that the objection to claim 4 be withdrawn.

B. Claim 40

The Examiner objected to claim 40, stating that the phrase "rate convert said PCM streamed audio signal" should be corrected to recite --rate converting said PCM streamed audio signal--. Claim 40 recites an apparatus that includes a processor. In particular, claim 40 recites: "said processor operative...to:...rate convert said PCM streamed audio signal." The Applicant submits that the infinitive "to rate convert" is grammatically correct. As such, the Applicant respectfully requests that the objection to claim 40 be withdrawn.

II. REJECTION OF CLAIMS UNDER 35 U.S.C. §103

The Examiner rejected claims 1-2, 4-28, and 30-42 as being unpatentable over Li (United States patent 6,549,587, issued April 15, 2003) in view of Amrany (United States patent 6,067,316, Issued May 23, 2000) and Zhang (United States patent 6,181,711, issued January 30, 2001). The rejection is respectfully traversed.

More specifically, the Examiner alleged that Li teaches "generating a PCM stream...and decoding a plurality of streamed packets." (Office Action, p. 2). The

Examiner conceded that Li does not disclose a "means for filtering the signal stream." (Office Action, p. 3). The Examiner alleged, however, that Amrany discloses "a low-pass filter...for filtering a signal stream." (Office Action, p. 3). The Examiner further alleged that Zhang teaches a bit-rate converter for changing the bit rate of a video stream. (Office Action, p. 3). The Examiner concluded that it would have been obvious to modify Li to include a low-pass of Amrany and a bit rate converter of Zhang to render obvious the Applicant's invention as recited in claims 1-2, 4-28, and 30-42. The Applicant respectfully disagrees.

Li discloses a mechanism for transmitting voice over a packet based system, such as a voice-over-IP system. (See Li, col. 10, lines 18-36). Referring to FIG. 6, Li discloses a voice encoder 82 for encoding voice samples into PCM format, and a packetization engine 78 for formatting the PCM encoded voice samples into voice packets. (Li, col. 11, line 63 through col. 12, line 3). On the decoding side, Li describes a depacketizing engine 84 for transforming the voice packets into frames, and a voice decoder 96 for decoding the voice frames to generate PCM formatted digital voice samples. (Li, col. 12, lines 55-62; col. 13, lines 17-24).

Amrany generally discloses a circuit for combined XDSL and POTS services. (See Amrany, Abstract). In particular, Amrany describes a low-pass filter (150, FIG. 4) for filtering-out higher-frequency DSL signals and delivering only POTS signals. (Amrany, col. 7, lines 10-25; FIG. 4).

Zhang generally discloses transporting a compressed video and data bit stream over a communication channel. (See Zhang, Abstract). In particular, Zhang describes a rate conversion system that converts the bit rate of a pre-compressed video bit stream from one bit rate to another. (Abstract).

The cited references, either singly or in any permissible combination, do not teach, suggest, or otherwise render obvious the Applicant's invention as recited in claim 1. Namely, the alleged combination of Li, Amrany, and Zhang does not teach or suggest establishing a session with a content provider server in response to a request from a client device and receiving a plurality of streamed packets from the content provider server in response to the session. Specifically, the Applicant's amended claim 1 positively recites:

A method for generating a pulse code modulated (PCM) signal stream from a plurality of streamed packets, comprising:

establishing a session with a content provider server in response to a request from a client device;

receiving said plurality of streamed packets from said content provider server over a packet network in response to said session;

decoding said plurality of streamed packets to generate a decoded signal stream;

filtering said decoded signal stream to generate said PCM signal stream; and

rate converting said PCM signal stream.

(Emphasis Added).

Li, however, does not teach or suggest establishing a session with a content provider server in response to a request from a client device to receive streamed packets. Rather, Li describes a network gateway that supports the exchange of voice between telephones over a packet-based network. (See Li, FIG. 5; col. 10, lines 18-36). That is, the network gateway of Li is only configured to translate communications between telephone devices from a circuit-switched network and a packet-based network. In contrast, Applicant's invention recited in claim 1 establishes a session with a content provider server in response to a client request for receiving streamed packets from the server. Li is devoid of any discussion regarding a content provider server or receiving a packet stream from such a server.

Moreover, both Amrany and Zhang are devoid of any teaching or suggestion of receiving streamed packets from a content provider server and establishing a session with such a server. Rather, Amrany is concerned with a shared DSL/POTS circuit. Zhang is concerned with the transmission of compressed video signals over a communication channel. Since none of the cited references teach or suggest establishing a session with a content provider server in response to a request from a client device and receiving a plurality of streamed packets from the content provider server in response to the session, no conceivable combination of the cited references renders obvious Applicant's invention recited in claim 1. Therefore, the Applicant contends that claim 1 is patentable over Li, Amrany, and Zhang and, as such, fully satisfies the requirements of 35 U.S.C. §103.

Independent claims 12, 18, 21, 27-28, 37, and 40 recite features similar to the features of claim 1 emphasized above. For the same reasons discussed above, the Applicant contends that claims 12, 18, 21, 27-28, 37, and 40 are patentable over Li, Amrany, and Zhang and fully satisfy the requirements of 35 U.S.C. §103. Finally, claims 2, 4-11, 13-17, 19-20, 22-26, 30-36, 38-39, and 41-42 depend, either directly or indirectly, from independent claims 1, 12, 18, 21, 27-28, 37, and 40 and recite additional features therefor. Since the cited references do not render obvious the Applicant's invention as recited in claims 1, 12, 18, 21, 27-28, 37, and 40, dependent claims 2, 4-11, 13-17, 19-20, 22-26, 30-36, 38-39, and 41-42 are also nonobvious and are allowable.

CONCLUSION

Thus, the Applicant submits that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring any adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone either Mr. Robert M. Brush, Esq. or Mr. Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Eamon J. Wall
Registration No. 39,414
MOSER, PATTERSON & SHERIDAN, L.L.P.
595 Shrewsbury Ave. Suite 100
Shrewsbury, NJ 07702
Telephone: (732) 530-9404
Facsimile: (732) 530-9808
Attorney for Applicant